

**FILED**

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico

**UNITED STATES DISTRICT COURT**  
**ALBUQUERQUE, NEW MEXICO**

**FEB 10 2022**

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

125 River Road, Dulce, NM 87528

Case No. 22-mr-216

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Single-story mobile home residence located at 125 River Road, Dulce, NM 87528.

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B of Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC 1153	Offenses committed in Indian country
18 USC 1112	Manslaughter

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

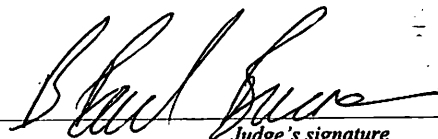
Alyson Berry, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: February 10, 2022

City and state: Farmington, NM



Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR SEARCH WARRANT**

I, Alyson M. Berry, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”), where I have been employed in that capacity since July 2020. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, aggravated assault, and child sexual assault. In 2021, I attended an advanced Indian Country Crime Scene Investigation course, including techniques for forensic evidence collection and best practices for death investigation cases.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Jicarilla Apache Police Department, and San Juan County Sheriff’s Office (SJCSO).

3. The location to be searched are described in the following paragraphs and in Attachment A. The target location described in this affidavit include a single-story mobile home residence located at 125 River Road, Dulce, New Mexico (referred to as “Target Location”). Based on the facts set forth in this affidavit, there is probable cause to believe there were violations of 18 U.S.C. § 1153 Offenses committed in Indian country and 18 U.S.C. § 1112 Voluntary manslaughter, committed by LAURICE MONTOYA, year of birth 1984 (referred to herein as MONTOYA), and that evidence of such crimes may be contained in the Target Location.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law

enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence of the crimes alleged are located in the target locations.

### **PROBABLE CAUSE**

5. On January 19, 2022, Emergency Medical Services (EMS) of the Jicarilla Apache Indian Tribe responded to an anonymous call of a man having seizures at a residence on the reservation. The man, with the initials P.P. and year of birth 1969 (referred to herein as JOHN DOE), was transferred to San Juan Regional Medical Center (SJPMC) where he later died. Doctors found JOHN DOE suffered from traumatic brain injury, a rib fracture, severe bruising on his upper body, and two lacerations on his scalp, one of which was 6 centimeters long. When JOHN DOE arrived at SJPMC, he had no signs of brain stem function. Doctors at SJPMC contacted law enforcement in Dulce, concerned that JOHN DOE's injuries were significantly more severe than someone who fell while experiencing seizures. The criminal investigator in Dulce referred the case to FBI Farmington Resident Agency shortly thereafter.

6. JOHN DOE was staying at MONTROYA's house, the Target Location, since December 2021. MONTROYA was present when EMS responded. MONTROYA told EMS and law enforcement that she believed JOHN DOE hit his head while having a seizure. MONTROYA said JOHN DOE regularly had seizures when withdrawing from alcohol. MONTROYA told authorities they were home alone for several days prior to this incident. The anonymous caller was a friend who visited their home and saw JOHN DOE on the floor. The friend left the residence before EMS arrived. Several days later, MONTROYA was arrested by Jicarilla Apache Police on an

outstanding warrant for an unrelated charge. MONTOYA was placed in custody in tribal jail with an anticipated release date in March of 2022.

7. On February 10, 2022, your affiant interviewed MONTOYA while in custody at Jicarilla Apache Police Department. MONTOYA agreed to a polygraph examination at SJCSO, administered by Detective Justin Rieker. Before the polygraph examination began, Detective Rieker discussed the incident of JOHN DOE's death with MONTOYA. MONTOYA admitted she lied to your affiant and prior questioning by law enforcement because she was scared.

*BB AB* 8. On ~~December 19, 2022~~ <sup>January 1, 2022</sup> during an argument, MONTOYA pushed an intoxicated JOHN DOE over the couch. He landed on the floor in the living room. MONTOYA believed this may be the cause of JOHN DOE's rib injury. MONTOYA helped JOHN DOE up, and the argument continued. MONTOYA grabbed the snow shovel located by the front door and hit JOHN DOE two times on his head. He fell and began severely bleeding. MONTOYA used paper towels to attempt to stop the bleeding of the largest cut. JOHN DOE started have seizures. MONTOYA stayed with JOHN DOE for approximately four or more hours until a friend showed up at the residence. The friend called 911. MONTOYA did not want to leave JOHN DOE to call for help because she was scared, and she was without a phone due to her personal cellular phone breaking days prior.

9. Based on the information provided in this affidavit, your affiant believes that evidence of the crime is located in the Target Location described in Paragraph 3. MONTOYA told Detective Rieker the snow shovel remained by the front door since she was arrested and in custody.

10. The incident under investigation occurred within the exterior boundaries of the Jicarilla Apache Indian Reservation. Both MONTOKA and JOHN DOE are registered members of the Jicarilla Apache Indian Tribe.

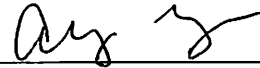
**AUTHORIZATION REQUEST**

11. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

12. Based on the facts set forth in this affidavit, there is probable cause to believe there was a violation of 18 U.S.C. § 1153 Offenses committed in Indian country and 18 U.S.C. § 1112 Voluntary manslaughter, and that evidence of such crimes may be contained within the Target Location.

13. Supervisory Assistant United States Attorney Kyle Nayback, District of New Mexico, reviewed and approved this affidavit.

14. I swear that this information is true and correct to the best of my knowledge and belief.



Alyson M. Berry, Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me on February 10, 2022.



The Honorable B. Paul Briones  
United States Magistrate Judge

**ATTACHMENT A**

1. A single-story mobile home residence located at 125 River Road, Dulce, New Mexico.

**ATTACHMENT B**

1. Snow shovel.